

**22-3-B. Administrative Enforcement: Agency Representation in Hearings and Negotiations (1200 TN 350 22-3-B)****1. AUTHORITY.**

- a. To represent EPA in civil administrative penalty adjudications conducted under the Emergency Planning and Community Right-to-Know Act (EPCRA):
- b. To negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; and
- c. To initiate appeals from such administrative determinations and represent the Agency in such appeals.

**2. TO WHOM DELEGATED.**

- a. The authority in 1.b. is delegated to the Director, Enforcement and Compliance Assurance Division (ECAD).
- b. The authorities in 1.a., 1.b., and 1.c. are delegated to the Regional Counsel.

**3. LIMITATIONS.**

- a. Once the alleged violator files an answer or fails to file an answer in the specified time period, the person representing EPA in the proceeding must be an Office of Enforcement and Compliance Assurance or Office of Regional Counsel attorney.
- b. Delegates, other than Regional Counsel (RC), must consult with the RC or his/her designee. The Regional Counsel must consult with the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) or her/her designee prior to deciding whether to appeal an adverse administrative decision.
- c. The AA/OECA must consult with the Regional Administrator or designee and notify the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (OCSPP) or designee prior to initiating an appeal.

**4. REDELEGATION AUTHORITY.**

- a. This authority may not be redelegated.

**22-3-B. Administrative Enforcement: Agency Representation in Hearings and Negotiations (continued)**

b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

**5. ADDITIONAL REFERENCES.**

a. EPCRA Section 325.

**6. SUPERSESSION.** Delegations Manual, EPCRA, Regional Delegation 22-3-B. Administrative Enforcement: Agency Representation in Hearings and Negotiations, 1200 TN RIII 164 (September 1, 2005).

Date: APR 15 2019

  
Cosmo Servidio  
Regional Administrator